



Connell Foley LLP  
888 Seventh Avenue, 9<sup>th</sup> Floor  
New York, NY 10106  
P 212.307.3700 F 212.262.0050

**Patricia A. Lee**  
Partner  
Direct Dial 973.840.2444  
PLee@connellfoley.com

MEMO ENDORSED

The July 9, 2020 conference is  
adjourned to July 30, 2020 at 11 a.m.

July 2, 2020

SO ORDERED.

Paul G. Gardephe  
United States District Judge  
July 3, 2020

**VIA ELECTRONIC FILING**

Hon. Paul G. Gardephe, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2204  
New York, New York 10007

**Re: *Donald P. Milione, D.C. v. Aetna Life Insurance Company***  
**Civil Action No.: 1:20-cv-01149-PGG**

Dear Judge Gardephe:

This firm represents Defendant Aetna Life Insurance Company (“Aetna”) in the above-referenced matter. We write with the consent of counsel for the Plaintiff to respectfully request to adjourn the Initial Pretrial Conference currently scheduled for July 9, 2020 at 11:15am for two weeks to July 23, 2020, or such later date that is convenient for the Court. The extension is needed so that the parties can engage in further discussions as to how to address the claims brought on behalf of two out of five patients, and seven out of eleven dates of service, in dispute, which Aetna has asserted involves a governmental health benefit plan that is exempt from ERISA. As the complaint only alleges causes of action arising under ERISA, the parties wish to reach a resolution as to whether those claims will be voluntarily dismissed, remedied in an amended complaint, or subject to motion practice before the Court enters a schedule that is tailored to ERISA-governed plans.

This is Aetna’s first request for an extension of these dates. We represent that this adjournment will not affect any other deadlines in the case and is sought in good faith.

A stipulation and proposed Order is submitted herewith. If it meets with Your Honor’s approval, we respectfully request that it be entered. We thank the Court for its consideration.

Very truly yours,

CONNELL FOLEY LLP

Roseland

Jersey City

Newark

New York

Cherry Hill

Philadelphia

[www.connellfoley.com](http://www.connellfoley.com)

Hon. Paul G. Gardephe, U.S.D.J.

July 2, 2020

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*/s/ Patricia A. Lee*

Patricia A. Lee

PAL/

Encl.

Cc: Eugene Killian, Jr., Esq. (via ECF)